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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/755,283	01/08/2001	Brian Wyld	50990019US	4661

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[REDACTED] EXAMINER

MANOSKEY, JOSEPH D

ART UNIT	PAPER NUMBER
2113	[REDACTED]

DATE MAILED: 04/26/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/755,283	WYLD, BRIAN	
	Examiner	Art Unit	
	Joseph Manoskey	2113	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 10 March 2004 and 27 January 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 9-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 11 is/are allowed.
- 6) Claim(s) 9,10 and 12-17 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 27 January 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. It is respectfully requested that a phone number be supplied with the next response to this Office Action, as the examiner notes that there is no new correspondence phone number associated with this application since the previous filed Request for Withdrawal as Attorney of Record.

Response to Arguments

2. Applicant's arguments, see Amendment B pages 6-8, filed January 27, 2004, with respect to the rejection(s) of claim(s) 9, 10, and 12-17 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of new found prior art (see rejection below).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claim 9, 10, and 12-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Harper, U.S. Patent 6,675,316.

5. Referring to claim 9, Harper discloses multiple shared memory processor instances that communicate over an interconnection fabric, which is interpreted as a distributed multiprocessor system (See Fig. 1 and 4, and Col. 3, lines 13-14). The system has at least two hosts with a processor and internal memory (See Fig. 2). Harper also teaches the system having external memory nodes that are made reliable, "fault tolerant", (See Fig. 1 and 2, and Col. 4, lines 52-56), and the processor has access to the memory via a coherency control chipset, this is interpreted as a access device that provides transparent access since it provides access to both the L3 cache and the external memory (See Fig. 2 and 4).

6. Referring to claim 10, Harper teaches the system having access to the external memory in the range of tens of nanoseconds (See Col. 5, lines 21-22). This is interpreted as the system having an access time to the external memory within three orders of magnitude than an access time to the internal memory.

7. Referring to claim 12, Harper discloses the processor and coherency control chipset connected via a bus (See Fig. 2), which is interpreted as the access device in the host connected to a bus. Harper teaches the system having access to the external memory in the range of tens of nanoseconds (See Col. 5, lines 21-22). This is

interpreted as access to the external memory taking place in less than one cycle of the bus.

8. Referring to claims 13, Harper teaches the L3 cache and external memory being accessed through the coherency control chipset, "access device" (See Fig. 2), this interpreted as the access device having a memory-mapped connection connected to the processor. Also the external memory is accessed by the coherency control chipset, "access device", through the interconnect network (See Fig. 2). This is interpreted as a driver connected to the memory-mapped connection and the external memory unit.

9. Referring to claims 14, Harper teaches the L3 cache and external memory being accessed through the coherency control chipset, "access device" (See Fig. 2), this interpreted as the access device having a "memory module-like connection" connected to the processor. Also the external memory is accessed by the coherency control chipset, "access device", through the interconnect network (See Fig. 2). This is interpreted as a driver connected to the "memory module-like connection" and the external memory unit.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harper in view of Duso et al., U.S. Patent 6,625,750, hereinafter referred to as "Duso".

12. Referring to claim 15, Harper discloses all the limitations (See rejection of claim 9) including the external memory unit having a fault tolerant memory (See Fig. 1 and 2, and Col. 4, lines 52-56). Harper does not teach the external memory comprising at least two access server devices, each connected to the access device of a host and the fault tolerant memory connected to each server device, however Harper does express a desire to recover from faults that occur in a node of the network (See Col. 1, lines 17-23). Duso teaches a file server that contains stream servers connected to multiple hosts and to the memory; the stream servers are interpreted as access server devices (See Fig. 2). It would be obvious to one of ordinary skill in the art at the time of the invention to combine the file server with multiple access servers of Duso with the access to external fault tolerant memory of Harper. This would have been obvious to one of ordinary skill in the art at the time of the invention to do because the file server provides a failover services for memory node of a network (See Col. 1, lines 18-21).

13. Referring to claim 16, Harper and Duso teach all the limitations (See rejection of claim 15) including the fault tolerant memory comprising a request server connected to the server devices. Duso teaches the file server having controller servers, interpreted

as request servers, connected to the streams servers, or access server devices (See Duso, Fig. 2).

14. Referring to claim 17, Harper and Duso disclose all the limitations (See rejection of claim 16) including the controller servers, or request servers, connected to adapters, interpreted as memory controllers, and each adapter is connected to one or more memory arrays or banks (See Duso, Fig. 2).

Allowable Subject Matter

15. Claim 11 is allowed. Claim 11 was previously objected to for being dependent upon a rejected claim but as since been rewritten into independent form.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Manoskey whose telephone number is (703) 308-5466. The examiner can normally be reached on Mon.-Fri. (8am to 4:30pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (703) 305-9713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JDM
April 20, 2004


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